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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,443	08/24/2001	E. Mark Evers	JUBB 301	3643
23581	7590	10/14/2003	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/939,443

Applicant(s)
Mark E. Evers et al.

Examiner
Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/06/2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Application No. 09/939,443, filed on 04/06/2001.
2. Claims 1-8 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. pat. No. 5,946,665) in view of Nishioka et al. (U.S. pat. No. 5,995,626).

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As per claims 1-4, and 8 Suzuki substantially discloses a search server system in an online shopping system that uses a communications network to provide shopping information for a customer, wherein traditional third-party participation or intermediary is absent, comprising:

establishing a participating group of vendors of products and/or services, qualifying vendors in the group, and connecting this group to such a network (see., abstract , specifically wherein it is stated that a customer wishes to refer to or buy goods, col 1, lines 32-67),

establishing a participating group of purchasers of such products and/or services and qualifying these purchasers (see., abstract, col 1, lines 32-67, specifically wherein it is stated that the obtained stores and/or malls are then indicated as a list so that the customer may easily recognize them (them or malls or stores or products),

creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors (see., abstract, col 1, lines 32-67, col 4, lines 1-51, specifically wherein it is stated that request (or creating) for a visual indication for the indicated list of stores). It is to be noted that Suzuki fails to explicitly disclose a personal network-access key which contains information fully allowing that purchaser. However, Nishioka discloses an electronic shopping system by which an order of products to be purchased by a user is encrypted /decrypted by cryptographic keys (see., abstract, col 5, lines 1-67, col 6, lines 1-67). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the online shopping system of Suzuki by including the limitations

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detailed above as taught by Nishioka because this would carry out the authentication in which the legality of the information relating to the user can be surely authenticated using cryptographic keys.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. pat. No. 5,946,665) and Nishioka et al. (U.S. pat. No. 5,995,626) in view of Kaneko (U.S. Pat. No. 5,983,199).

As per claims 5-7, Suzuki substantially discloses a search server system in an online shopping system that uses a communications network to provide shopping information for a customer, wherein traditional third-party participation or intermediary is absent, comprising:

establishing a participating group of vendors of products and/or services, qualifying vendors in the group, and connecting this group to such a network (see., abstract, specifically wherein it is stated that a customer wishes to refer to or buy goods, col 1, lines 32-67),

establishing a participating group of purchasers of such products and/or services and qualifying these purchasers (see., abstract, col 1, lines 32-67, specifically wherein it is stated that the obtained stores and/or malls are then indicated as a list so that the customer may easily recognize them (them or malls or stores or products),

creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors (see., abstract, col 1, lines 32-

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67, col 4, lines 1-51, specifically wherein it is stated that request (or creating) for a visual indication for the indicated list of stores). It is to be noted that Suzuki fails to explicitly disclose a personal network-access key which contains information fully allowing that purchaser. However, Nishioka discloses an electronic shopping system by which an order of products to be purchased by a user is encrypted /decrypted by cryptographic keys (see., abstract, col 5, lines 1-67, col 6, lines 1-67). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the online shopping system of Suzuki by including the limitations detailed above as taught by Nishioka because this would carry out the authentication in which the legality of the information relating to the user can be surely authenticated using cryptographic keys. Suzuki and Nishioka fail to explicitly disclose a connected purchaser of the specific set of protocols defined for . Kaneko discloses a WWW server and an exchange that connected in one-to-one protocol (PPP) correspondence. The exchange finally receives a PPP dial-up from a user device and thus can be informed of the originating number of the user device. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Suzuki and Nishioka by including the limitations detailed above as taught by Kaneko because this would provide users identification based on the users' protocol.

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Conclusion

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687


Pierre Eddy Elisca

Patent Examiner

October 07, 2003